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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/047,169	01/12/2002	William P. Apps	2046	4362

33171 7590 08/13/2003

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EXAMINER

MEREK, JOSEPH C

ART UNIT	PAPER NUMBER
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3727

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DATE MAILED: 08/13/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/047,169

Applicant(s)

APPS ET AL.

Examiner

Joseph C. Merek

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 June 2003.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 January 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "the flange is deflected in a plane generally perpendicular to the axis upon insertion of the upper hinge portion into the first lower portion" must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-3, 8, 12-14, 16, 17, and 19-30 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Regarding claim 1, it has not been adequately disclosed that the flange is deflected in a plane generally perpendicular to the axis upon insertion of the first upper hinge portion into the first

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lower hinge portion. Regarding claim 8, it has not been adequately disclosed that the stop portion is deflected in a direction generally perpendicular to the axis upon insertion of the first upper hinge portion into the first lower hinge portion. The disclosure states that the lower hinge portion flexes and deforms slightly inward allowing the upper hinge to move downwardly. There is no reference to the direction being perpendicular to the axis. Regarding claim 12, the disclosure does not describe the claimed relationship with the rotational positions. Moreover, the disclosure does not state that the pins are removable. Regarding claims 13 and 14, the disclosure does not set forth the claimed relationship with the arms of the upper hinge members. Regarding claims 16 and 24, the disclosure does not set forth the claimed relationship. Regarding claim 17, the disclosure does not set forth the snap-fit relationship. Regarding claim 19, the disclosure does not describe that the latch portion snaps. Regarding claim 20, it has not been adequately disclosed how the arms are angling inwardly and away from one and another. Regarding claims 22 and 28, the disclosure does not describe the unlatching without manually actuating a release for the latch striker portion and latch receiver portions. Regarding claim 23, the disclosure does not set forth the perpendicular relationship regarding the limiting lateral movement. The disclosure does not set forth that the flange is deflected in a plane perpendicular to the axis of the hinge. Regarding claim 27, the disclosure does not describe the at least one of the plurality of beveled surface of the latch striker portion flexing. The disclosure only describes the receiver as flexing. Regarding claim 30, the disclosure does not set forth the interference portion that snaps behind the latch striker portion upon insertion of the

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latch striker portion into the latch receiver portion. The disclosure does not state that the interference part snaps behind the other part.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or
(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

Claims 1-30 are rejected under 35 U.S.C. 102(b) as being anticipated by Umiker (US 5,829,617). Regarding claim 1, see Figs. 1-15, where the structure is shown. The hinges of two of the walls are above the hinges of the other two walls. See Figs. 4a and 4 b where 15 and 12 are the flanges. The flanges will move generally perpendicular to the axis when 6 passes between the restricted passage between the flange walls. 6 in combination with 15 will limit the horizontal movement. The relationship between the pin 7 and the hole 11 is that the hole will limit the moment of the pin a direction perpendicular to an axis about which the wall pivots. See Figs. 5 and 6 where the latch and striker structure is shown. 29 is beveled. Regarding claim 5, see Figs. 4a and 4b where the bottom has the concave support surface. Regarding claim 6, the stop

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portions are the parts of 12 and 15 under which the pin 7 is held. These extend downward and are connected to the lower wall sections. Regarding claim 7, the stop portion includes the lower most edge of 12 under which the pin is held. Regarding claim 8, see Fig. 4a and 4b where the walls 12 and 15 are deflected as claimed when the pin 7 is inserted in the hinge. The walls are deflected by 6 that is not prohibited by the claim language. Moreover, when the pin 7 moves as shown from the portion of Fig. 4a to the position of 4B the walls deflect. This satisfies the claim language. Regarding claim 9, the flange 12 extends downwardly to the lower wall section that surrounds the pin. Regarding claim 10, the lowermost surface of 12 as seen in Fig. 4a abuts the hinge pin 7. Regarding claim 11, the flat portion is on 6 that abuts and deflects the flange 12. Regarding claim 12, the position of 6 that provide the claimed function. 6 prevents movement of the pin unless 6 is aligned with the slot between 12 and 15. Regarding claim 13, the arm is 6 that performs the claimed function since 6 will abut the end surface of 15. Regarding claim 14, there are two arms 6 since there are two hinges on each wall. This satisfies the claim limitation. They will prevent motion in both directions along the hinge axis. Regarding claim 15, the concave surface is shown in Fig. 4a. Regarding claim 16, the relationship of the hole 11 and pin 7 are such that the hole 11 will limit the movement as claimed. The pin cannot move past the walls of the hole 11. Regarding claim 17, the latch striker is received into the latch receiver. The snap is not required since it is considered new matter. Regarding claim 18, the plastic of the mating parts will inherently flex somewhat. Regarding claim 19, see Figs. 9 and 10 where the arms are shown. The arms are the parts that are angled away and toward

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each other that are attached to the flat end 29. The arms are on each side of 29 and extend away from 22. The interference and the snap behind is not required since it is new matter. Regarding claim 20, see Fig. 9 and 10. Regarding claim 21, the generally flat surfaces are 22 and 29. Regarding claim 22, the manually actuating release is not required since it is new matter. Regarding claim 23, see the discussion regarding the deflection of the flange and the lateral movement. Regarding claims 24-26, see the above discussions regarding the claimed structure. Regarding claim 27, there will inherently be some flexing between the mating beveled surfaces. Regarding claim 28, the manual release limitation is not required since it is new matter. Regarding claim 29, as seen in Fig. 9 and 10, the beveled surfaces attached to 22 will inherently flex slightly outwardly. Regarding claim 30, the striker is received into the receiver. The snap is not required since it is new matter.

Claims 1-11, 13-16, 23-26 are rejected under 35 U.S.C. 102(b) as being anticipated by Miller (US 5,094,356). See Figs. 4-7, where the hinge structure is shown. The flange is 33. 33 extends downwardly and flexes as claimed.

Claims 1-11, 13-16, 23-26 are rejected under 35 U.S.C. 102(b) as being anticipated by Umiker (US 6,286,701, the PCT published 8/13/1998). See Figs. 12, 14, and 15, where the hinge structure is shown. The flange is 19 and extends downwardly and flexes as claimed. The arms are 12 of which there are two.

Response to Arguments

Applicant's arguments with respect to claims 1-11 and 13-26 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's arguments filed 6/03/03 have been fully considered but they are not persuasive. The reference to Umiker (US 5,829,617) has the claimed structure as discussed in the rejection above.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Oh and Foy et al are both cited for teaching folding containers.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

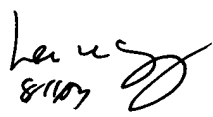
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph C. Merek whose telephone number is (703) 305-0644. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lee Young can be reached on (703) 308-2572. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-3579 for regular communications and (703) 308-3579 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

JCM
August 10, 2003


LEE YOUNG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700